

EPA COMMENTS

PROPOSED SURFACE WATER
INTERIM MEASURES/INTERIM REMEDIAL ACTION PLAN
903 PAD, MOUND, AND EAST TRENCHES AREAS
OPERABLE UNIT NO. 2

ISSUED FOR PUBLIC COMMENT 26 SEPTEMBER 1990

GENERAL COMMENTS:

Comment 1. In commenting on the draft plan, EPA stated that alternatives to disposal of treated water in surface drainages, "must be evaluated as part of an overall strategy to reduce or eliminate potentially contaminated inflows" to downstream reservoirs. In response, DOE refused to consider such options, contending this was "not part of an interim action approach" and that such options could "adversely affect individual water rights" on Walnut and Woman Creeks.

First, attempts to eliminate potentially contaminated offsite discharges are most certainly an integral part of an "interim action approach" as defined by EPA, and should be part of this one. Second, interested parties have aggressively advocated elimination of all RFP releases to offsite waters; DOE has acquiesced to this long-term goal, and made larger discharge reductions without water-rights problems. Thus it appears the specific arguments advanced are groundless and the refusal to evaluate disposal options actually results from a desire to avoid the complications of coordinating with other DOE/EG&G management entities. EPA submits that greater complications could result from disregarding "zero-discharge" options in defiance of the extremely strong public position on this issue. Also, DOE should not discharge without prior analysis as this may raise questions of compliance with CDH stream standards, the ARARs pertinent to this action.

Comment 2 - Dust resuspension/safety issues including the possible use of temporary enclosures for invasive activities have been raised by numerous parties as a major concern in relation to OU2. The radiological survey underway in this area must provide information relative to the 2 dpm/gm CDH soil standard, the control measures incorporated in the SOPs must be applied, and the PPCD procedures must be used to evaluate risks from atmospheric dispersion. This will provide the required technical justification for responsible decisions on the need for additional control measures.

Comment 3 - RCRA Subpart F groundwater protection standard (264.94) must be interpreted as a relevant and appropriate requirement in this instance, since the contamination is directly linked to seeps and since the sources of the contamination are SWMUs from a RCRA regulated facility. The RCRA groundwater protection standard, as with all other ARARs, must be attained. It is true that the interim measure must attain ARARs to the extent practicable, considering the exigency of the interim response, but this is not the same as not being required to attain ARARs. However, the argument of whether they are ARAR or TBC misses the point. Regardless of the label applied, the NCP requirements pertaining to acceptable risk (which are consistent with the RCRA ACL concept) must be incorporated in this decision document. DOE must recognize that compliance with ARARs is not the whole issue; protectiveness criteria (40 CFR 430(e)(2)(i)(A)(2)) must still be met, even if it requires further reduction of specific standards for some contaminants.

Comment 4. The statements made to explain the exclusion of methylene chloride, vinyl chloride, and acetone from consideration in treatment plant design are still not convincing. On the surface, the lack of these constituents in samples taken recently (presumably under better QA procedures) at the now current location of SW-61 would seem to support this assumption. However, this neglects several pertinent questions: Was it really there once, and might it reappear under changing environmental conditions? Since the "old" SW-61 is no longer sampled, how do we know these contaminants are not still there and are simply being stripped off and diluted by stream action before reaching the "new" SW-61? If this is the case, wouldn't collection at the point of exit from the culvert make more sense?

The possibility that additional organic constituents may exist (or appear during the six years this system will operate) in the seeps seems reasonable, perhaps likely. The obstinate refusal to acknowledge such a possibility could be costly in time, money, and credibility. Simple prudence dictates at least preparation of a contingency plan which could be activated to address this situation, should it occur.

Comment 5. Costs shown for various portions of the alternatives, including labor, non-construction, and materials appear excessive as compared to standard construction cost references. Unit cost sources and adjustments made to allow for RFP conditions and requirements should be identified as such. Even though these costs are rough and are only used here for comparison purposes, inflating them unrealistically serves no legitimate purpose.

Comment 6. There is no discussion regarding how the remedies considered comply with location-specific and action-specific ARARs. Whether those remedies will attain chemical-specific ARARs, or whether those remedies will ensure protectiveness.

The document must integrate these factors into the decision making process. As it stands now, there is no clear relationship between the ARAR discussion and the selection of the proposed remedy.

Comment 7. LDR as an ARAR should be addressed both for establishing cleanup standards and for identifying disposal/treatment options for the treatment residues.

Comment 8. The document must commit to meeting all ARARs and cleanup standards. In the event that at some point in the future an ARAR waiver becomes necessary, the decision document may need to be revisited at that time.

SPECIFIC COMMENTS:

Section 2.5, Page 2-40. - It should be noted that the current NPDES permit does not regulate the contaminants to be addressed through the IM/IRA. The review of this permit now underway may or may not expand the list of regulated compounds, so NPDES compliance does not correlate directly with adequate protectiveness in this particular instance.

Section 3.3, Page 3-1. - In list item three, note that 10^{-6} is the point of departure for cancer risk assessments.

Section 3.3, Page 3-2. - The explanation of "Applicable Standards" should be replaced with the definition of "Applicable Requirements" as found in the NCP. Similarly, the definition of "Relevant and Appropriate" can be extracted from the NCP and included here; the discussion of TBCs (which should include DOE, CDH, and EPA policies) on the following page should also be moved here to complete this discussion.

Section 3.3.1, Page 3-3. - It is not clear why the TDS standard is considered ARAR for all the constituents listed except strontium, or why strontium should not use background as ARAR rather than TBC since this is the normal procedure in the absence of a risk-based ACL. Please explain.

Section 3.3.1, Page 3-4. - The ARARs listed here are still only listed as potential. As noted in our comments on the previous draft, DOE must identify what it believes to be ARAR and submit that determination for review; this is a yes or no question, potential does not apply.

Section 3.3.2, Page 3-6. - This discussion of Locational Requirements needs to be fleshed out in much greater detail, listed out in Table D, and integrated into the remedy selection process.

Section 3.3.3, Page 3-6. - It is not clear what conclusion is reached on Action-Specific requirements.

Section 4.1.1, Page 4-2. - This section should indicate that agreement was reached on which seeps would be proposed for collection in the document released for public comment. No decision can be made until such comment is properly obtained and responded to. Similarly, the collection methods are proposed for comment, including the decision to exclude SW103 (perhaps only until a later date).

Section 4.2, Page 4-9. - The primary document establishing requirements for the alternative evaluation process is the NCP, which should be referenced here as such.

Section 4.3.1.1, Page 4-17. - From the description given, it is very difficult to visualize the configuration of SW-64 and the proposed sump location. Collection should be at the source, or an explanation of why the flow cannot be collected there is required. Section 6.1.1 must be revised accordingly if the collection system is changed.

Section 4.4.2.1. - The discussion presented indicates that very little is really known about plutonium behavior in solution or the effect of membrane filtration on it. Statements such as "it is presumed" and "it would appear that" do not inspire confidence in this treatment method, especially when apparently backed only by conjecture on basic information such as the ionic/anionic state(s) of plutonium at different pH levels. These questions should focus current research and testing; new information obtained should be incorporated in the final document.

Section 6.1.1, Page 6-1. - The diversion wier is to divert all flows up to 38 gpm to the collection sump; since this establishes the maximum inflow rate, there is no reason (except equipment failure) for inflow to exceed pumping rate and no need to dump overflow back in the stream. Please explain and/or illustrate the system configuration more clearly to eliminate this confusion.

Appendix E. - Location specific ARARs, including those for wetlands protection, must be listed and addressed in the same fashion as for other entries here.

Appendix E, Table E-3 - Citations to DOE policies and standards must be classified as "TBC" unless they are promulgated and enforceable requirements.